

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LANDMARK SNACKS LLC, and
UNDERWRITERS AT LLOYD'S
SUBSCRIBING TO POLICY NUMBER
W30D3D210101, as subrogee of Landmark
Snacks LLC;

Plaintiffs,

vs.

SCOTTSDALE INSURANCE COMPANY,

Intervenor Plaintiff

vs.

GILMAN CHEESE CORPORATION,

Defendant/Third-Party Plaintiff,

vs.

COOPERATIVE DAIRY MARKETING,
LLC,

Third-Party Defendant/Third-
Party Plaintiff,

vs.

BIERY CHEESE CO., and CHEESE
PIRATES, LLC,

Third-Party Defendants.

8:24CV42

**THIRD AMENDED
CASE PROGRESSION ORDER**

This matter comes before the Court on the parties' Agreed Motion to Extend Scheduling Order Deadlines ([Filing No. 89](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Agreed Motion to Extend Scheduling Order Deadlines ([Filing No. 89](#)) is granted, and the second amended final progression order is amended as follows:

- 1) The deadline for completing written discovery under Rules 33, 34, 36, and 45 of the Federal Rules of Civil Procedure is **May 27, 2025**. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by **June 10, 2025**.

Note: A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge on or before the motion to compel deadline to set a conference to discuss the parties' dispute, and after being granted leave to do so by the Court.

- 2) The status conference set for April 4, 2025, is cancelled. A status conference to discuss case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **May 28, 2025**, at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 3) The deposition deadline, including but not limited to fact depositions for oral testimony only under Rule 45, is **July 28, 2025**.
- 4) The deadline for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **September 29, 2025**.
- 5) The deadlines for completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff and third-party plaintiffs:	October 28, 2025
For the defendant and third-party defendants:	November 28, 2025
- 6) The deadline for all depositions, regardless of whether they are intended to be used at trial is **January 20, 2026**.
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **January 20, 2026**.
- 8) The planning conference set for November 19, 2025, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **January 21, 2026**, at **11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 9) The deadline for filing motions to dismiss and motions for summary judgment is **March 17, 2026**.
- 10) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 11) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 25th day of March, 2025.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge